

E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
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☐ EXPEDITE
☐ Hearing is set:
Date: _____
Time: _____
Judge/Calendar: _____

**SUPERIOR COURT OF WASHINGTON
FOR THURSTON COUNTY**

TRISHA A. CARPENTER, a single person,

Plaintiff,

vs.

CITY OF OLYMPIA, a municipality,
OLYMPIA POLICE DEPARTMENT; PAUL
EVERS, in his individual and official capacities,
ANDRE LUCAS, in his individual and official
capacities, JOHN DOE POLICE OFFICER 1-5
in their individual and official capacities, et.al.

Defendants.

NO. 21-2-00447-34

COMPLAINT FOR DAMAGES

COMES NOW the above-named Plaintiff, TRISHA CARPENTER, by and through
counsel, CHARLES W. LANE, IV., and hereby brings this cause of action against the
Defendants as follows:

I. PARTIES

1.1 For all times material hereto, plaintiff, TRISHA A. CARPENTER was above the
age of majority and a resident of the city of Centralia, within Lewis County, Washington.

COMPLAINT FOR DAMAGES -- 1

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1 1.2 Defendant CITY OF OLYMPIA is a municipal entity headquartered in the City
2 of Olympia within Thurston County, Washington.

3 1.3 Defendant CITY OF OLYMPIA POLICE DEPARTMENT is a sub-agency of
4 defendant CITY OF OLYMPIA within Thurston County, Washington.

5 1.4 Defendant PAUL EVERS for all times material hereto was an employee of
6 defendants CITY OF OLYMPIA, and under the direct supervision of defendant CITY OF
7 OLYMPIA POLICE DEPARTMENT as a police officer acting within the scope of his
8 employment and under the color of law of the State of Washington. All actions by defendant
9 PAUL EVERS were in his individual and official capacities.

10 1.5 Defendant ANDRE LUCAS for all times material hereto was an employee of
11 defendants CITY OF OLYMPIA, and under the direct supervision of defendant CITY OF
12 OLYMPIA POLICE DEPARTMENT as a police officer acting within the scope of his
13 employment and under the color of law of the State of Washington. All actions by defendant
14 ANDRE LUCAS were in his individual and official capacities.

15 1.6 Defendants JOHN DOE POLICE OFFICER 1-5 for all times material hereto was
16 an employee of defendant CITY OF OLYMPIA; and under the direct supervision of defendant
17 CITY OF OLYMPIA POLICE DEPARTMENT as police officers acting within the scope of
18 their employment and under the color of law of the State of Washington.

19 1.7 All actions by defendants were the proximate cause of plaintiff's injuries.
20

21 **II. JURISDICTION AND VENUE**

22 2.1 Jurisdiction and venue are proper in Thurston County, Washington pursuant to
23 RCW 4.12.020.
24

25 COMPLAINT FOR DAMAGES -- 2

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2.2 All acts alleged and complained of occurred in Thurston County, Washington.

2.3 A City of Olympia Claim for Damages, (Tort Claim) was filed with defendant CITY OF OLYMPIA ON January 21, 2019.

2.4 More than 60 days have elapsed since the filing of the first notice of claim.

III. NATURE OF THE COMPLAINT

3.1 On the January 30, 2019, Ms. Trisha A. Carpenter was operating a motor vehicle at the cross streets of Franklin Street SE, and 4th Ave East within the City of Olympia when she approached by City of Olympia Police Department Sergeant Paul Evers conducting a traffic stop.

3.2 Ms. Carpenter provided Sergeant Evers her information and he apparently was confused as to the ownership of the vehicle and the identity Ms. Carpenter.

3.3 City of Olympia Officer Andre Lucas arrived at the traffic stop and discussed the situation with Sergeant Evers who relayed that he did not believe that Ms. Carpenter was the registered owner of the vehicle nor being truthful about her identity.

3.4 Both Officer Lucas and Sergeant Evers recontacted Ms. Carpenter who was still sitting in the vehicle. Sergeant Evers asked Ms. Carpenter to step out of the vehicle, **which she complied.**

3.5 Sergeant Evers never explained to Ms. Carpenter the basis of the stop and shifted from his concern regarding her identify and ownership of the vehicle to conducting a DUI (driving while under the influence) stop.

1 3.6 Sergeant Evers took an aggressive step towards Ms. Carpenter who had been
2 complying and demanded that he would be performing field sobriety tests, and then told her it
3 was voluntary.

4 3.7 Ms. Carpenter declined to participate in the voluntary field sobriety tests and
5 requested that she be provided an attorney.

6 3.8 Ms. Carpenter was not advised that she was under arrest and based upon her
7 knowledge she believed that she was free to leave. Ms. Carpenter began to leave when Officer
8 Lucas assaulted Ms. Carpenter by grabbing her left arm with both of his hands.

9 3.9 Officer Lucas and Sergeant Evers began to assault Ms. Carpenter by turning her
10 around, pulling her arm, pushing her into a wall, and then slamming her head down into the
11 concrete sidewalk until she was unconscious.

12 3.10 Officer Lucas and Sergeant Evers continued to use excessive force against Ms.
13 Carpenter by pulling her hair, holding her head with force, and punching her in the stomach.

14 3.11 Officer Lucas and Sergeant Evers physically assaulted Ms. Carpenter until other
15 City of Olympia Police Officers arrived, to include Sergeant Bryan Houser a supervisor took
16 over the investigation.

17 3.12 As a result the actions of defendants, Plaintiff Trisha A. Carpenter underwent
18 extensive medical care, surgery, to include additional rehabilitation and follow-up care.

19 3.13 As a direct and proximate result of Defendants' actions, not limited to unlawful
20 seizure, assault, battery, use of excessive force, unlawful imprisonment, wrongful detention,
21 negligent infliction of emotional harm, to include outrage, Plaintiff Trisha A. Carpenter suffered
22 personal injury, general damages medical specials, including past, current, and future, loss of
23 enjoyment of life, physical and mental anguish, pain and suffering, and emotional distress.
24 enjoyment of life, physical and mental anguish, pain and suffering, and emotional distress.

25 COMPLAINT FOR DAMAGES -- 4

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IV. CAUSE OF ACTIONS

4.1 Plaintiff realleges and incorporates as it fully set forth in paragraphs 1.1 through 3.13 hereinabove.

4.2 Plaintiff alleges the following cause of actions: unlawful seizure without the authority of law under the Washington State Constitution Article 1, Section 7., use of excessive force, assault, battery, unlawful imprisonment, wrongful detention of a person, negligent supervision, violation of the City of Olympia Policy and Procedures on use of force, respondeat superior, intentional infliction of emotional distress, also known as the tort of outrage.

4.3 Defendants acting “under the color of” state-level or local laws, deprived plaintiff of her rights created by the United States Constitution, Washington State Constitution, and other federal and state statutes. The acts and omissions caused by Defendants were motivated by evil motive or intent, recklessness, or callous indifference to the Constitutional rights of Plaintiff as afforded under 42 USC 1983, Fourth Amendment, and other federal and state claims.

4.4 At the time these acts or omissions were committed, Defendants were employed by the City of Olympia and under the direction and supervision of the City of Olympia Police Department, on duty, driving a marked unit, wearing a police officer uniforms, used police officer equipment (like handcuffs), and carried out a detention of plaintiff. Defendant City of Olympia and City of Olympia Police Department, under the common-law doctrine of *respondeat superior* is legal liability as an employer for the actions of its employees and for the injuries caused by its employees who are working within the scope of their employment relationship.

COMPLAINT FOR DAMAGES -- 5

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1 4.5 All Defendants' acts and omissions causing injury to Plaintiff are jointly and
2 severally liable for all damages including punitive damages.

3 4.6 As a direct and proximate cause of Defendants' action, Plaintiff has suffered and
4 will continue to suffer, severe and permanent physical and psychological injury, to include
5 special damages, future special damages, and general damages, to be proven at trial.
6

7 **V. RELIEVE REQUESTED**

8 **WHEREFORE** Plaintiff respectfully requests the following relief from Defendants:

9 5.1 Past and future economic damages as proven at trial, including pre-judgment
10 interest on liquidated damages.

11 5.2 Past and future non-economic damages as proven at trial.

12 5.3 Taxable costs, including statutory attorney fees.

13 5.4 Such other relief as the Court deems proper.

14 5.5 Defendants to pay punitive damages pursuant to 42 USC 1983 and 42 USC 1988.

15 5.6 Defendants to pay reasonable attorney fees and costs pursuant to 42 USC 1988.

16 5.7 Such other and relief as the Court deems just and equitable.
17


18 **DATED** this 16 day of March 2021.

19
20 
21 _____
22 CHARLES W. LANE, IV., WSBA# 25022
23 Attorney for Plaintiff Tammy C. Larson
24
25

1
2
3 **VERIFICATION**

4 I, **TRISHA A. CARPENTER**, plaintiff in the above-entitled action, declare that I have
5 read the foregoing complaint and know the contents thereof, and the same is true of my own
6 knowledge.

7 **DATED** this 22nd day of March, 2021.

8
9 
10 ~~TRISHA A. CARPENTER~~
11 Trisha